THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 3329 of 2005

Date: 27.09.2005

Between:

Mohd. Ilyas, s/o. late Mohd. Abbas,

H.No.8-9-206, Khammam

…Petitioner

and

1)The A.P. State Wakf Board, rep. by its

Chief Executive Officer, Haj House,

Public Gardens Road, Nampally, Hyderabad

& 2 others

…Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned standing counsel appearing for Wakf Board.

Challenging the order No.74/KHM/K/04, dated 11.02.2005 of the respondents in constituting managing committee for Ashurkhana

Bade-Shahi, Inside Fort, Khammam as illegal and arbitrary, the present Writ Petition is filed.

A detailed counter affidavit has been filed by the respondents 1 and 2, wherein it is stated that the petitioner was appointed as Mutawali of Ashurkhana, Bade Shahi Ashurkhana, Khammam as per the proceedings dated 28.02.2005; but the Managing Committee consisting of 11 members constituted as per the impugned proceedings dated 11.02.2005 is for the newly formed Idgah in the land of aforesaid Ashurkhana Bade Shahi. It is also clear from the impugned proceedings that the managing committee to Bade Shahi new idgah Ashoorkhana was constituted under Section 18 of the Wakf Act, 1995. Therefore, the committee now constituted under the impugned proceedings dated 11.02.2005 is for management of the new Idga in the land of aforesaid Ashurkhana Bade Shahi, which is nothing to do with the Ashurkhana, Bade Shahi Ashurkhana, Khammam, for which the petitioner is the mutawali. In the circumstances, no further orders are required to be passed in this Writ Petition.

The Writ Petition is, accordingly, closed. No costs. The interim order passed on 25.02.2005 shall stand vacated.

(K.C.Bhanu, J.)

27.09.2005

DRK